

AMENDED IN SENATE APRIL 10, 2002
AMENDED IN ASSEMBLY APRIL 16, 2001
AMENDED IN ASSEMBLY MARCH 26, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 468

**Introduced by Assembly Member ~~Cohn~~ Firebaugh
(Principal coauthor: ~~Assembly Member Leach~~)**

February 21, 2001

An act to amend ~~Sections 12815 and 13003 of the Vehicle Code, relating to driver's licenses. Section 14666.6 of, and to add Section 14666.8 to, the Government Code, relating to telecommunications, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 468, as amended, ~~Cohn~~ Firebaugh. ~~Driver's license: identification card. State property: access: telecommunications.~~

(1) Existing law requires the Director of General Services, with the approval of the state agency concerned, and the Director of Transportation to negotiate in the name of the state, access to state-owned property, including rights-of-way, for those purposes and subject to those conditions, limitations, restrictions, and reservations determined by the director to be in the interest of the state. Existing law provides that this requirement to negotiate access applies to telecommunications and information technologies.

This bill would require the Director of General Services to compile and maintain an inventory of state-owned real property that may be available for lease to providers of wireless telecommunications services

for location of wireless facilities. It would authorize the director to enter into an agreement for the lease of certain state-owned real property to any provider of wireless telecommunications services for location of its facilities, and would require that this lease, among other things, (1) provide for the use of the wireless provider's facilities located on the state-owned real property by any appropriate state agency if technically, legally, aesthetically, and economically feasible, and (2) facilitate, to the greatest extent possible, agreements among providers of wireless telecommunications services for collocation of their facilities on state-owned real property.

This bill would provide that a wireless telecommunications facility located on state-owned real property pursuant to a lease that meets these requirements would not be subject to the requirements of any local zoning ordinance or regulation.

The bill would require that 10% of the revenues from fees collected pursuant to these provisions, except for revenues from fees from a lease agreement for access to Department of Transportation property or a lease agreement existing prior to January 1, 2003, be available, upon appropriation by the Legislature, to finance Digital Divide projects.

(2) Existing law provides that any payments received for a grant or conveyance through land or facilities controlled by the Department of Transportation, including rights-of-way along the state highway system, shall be deposited in the State Transportation Fund.

This bill would provide that any funds generated from a lease agreement entered into for the placement of wireless telecommunications facilities on Department of Transportation property shall be kept in a separate account and used, upon appropriation by the Legislature, only for transportation-related purposes.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law provides a procedure for obtaining a duplicate driver's license if a driver's license is lost, destroyed or mutilated, or a new true, full name is acquired. In order to obtain a duplicate license, the Department of Motor Vehicles must be furnished with satisfactory proof of that loss, destruction, or mutilation, and if the licensee is a minor, evidence of permission to obtain a duplicate secured from the parents, guardian, or person having custody of the minor.~~

~~This bill would require, in addition, that the department be furnished with satisfactory proof of the identity of the person requesting the~~

~~duplicate license, including a valid identification document that contains a photograph of that person. The bill would require the department to verify a person's identity through inspection of its own photographic files from the licensee's prior license if the person requesting a duplicate license is unable to provide satisfactory proof of his or her identity.~~

~~Under existing law, if an identification card issued under the Vehicle Code is lost, destroyed, mutilated, or a new true full name is acquired, the person to whom that card was issued may make application for an original identification card.~~

~~This bill would provide that if application is made pursuant to the above, the person applying would be required to provide the department with (1) satisfactory proof of that loss, destruction, or mutilation and (2) satisfactory proof of the identity of that person, including a valid identification document that contains his or her photograph. The bill would require, if the person requesting a new identification card is unable to provide satisfactory proof of his or her identity, the department to verify that person's identity through inspection of its own photographic files from the person's prior identification card. The bill would require any person who loses an identification card and who, after obtaining a new identification card, finds the original identification card, to immediately destroy the original identification card. Because a violation of any provision of the Vehicle Code is a crime, this bill would impose a state-mandated local program by expanding the scope of that crime.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes-no.~~

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 12815 of the Vehicle Code is amended~~
- 2 ~~SECTION 1. The Legislature finds and declares all of the~~
- 3 ~~following:~~

1 (a) *Wireless telecommunications service is a critical part of*
2 *California's infrastructure.*

3 (b) *The rapid deployment of wireless telecommunications*
4 *facilities is critical to ensure network access and quality of service.*

5 (c) *It is in the public interest to minimize the aesthetic impact*
6 *of wireless telecommunications towers and facilities necessary to*
7 *support wireless networks.*

8 (d) *Use of property owned by the state, local government*
9 *agencies, and other public entities for location of wireless*
10 *telecommunications facilities will expedite deployment of wireless*
11 *telecommunications service and minimize the aesthetic impact of*
12 *wireless telecommunications towers and facilities.*

13 (e) *A certain percentage of people have the best information*
14 *technology that our society has to offer. These people have the most*
15 *powerful computers, the best telephone and fastest Internet*
16 *services, as well as a wealth of content and training relevant to*
17 *their lives. There is another group of people that have very little*
18 *technology or service, if any at all. The difference between these*
19 *two groups is what has been called the "Digital Divide."*

20 (f) *"Falling Through the Net: Toward Digital Divide*
21 *Inclusion," a report published by the United States Department of*
22 *Commerce, determined that although more than one-half of all*
23 *households have computers and more than one-half of all*
24 *Americans were expected to be using the Internet by the middle of*
25 *2001, a Digital Divide remains or has expanded slightly in some*
26 *cases.*

27 (g) *Today, a large number of Americans are using the Internet*
28 *to conduct daily activities, including, but not limited to,*
29 *communication, shopping, entertainment, job searches, training,*
30 *and education. To be on the less fortunate side of the Digital Divide*
31 *means that individuals are not able to participate in the world's*
32 *new information-based economy. Even worse is that with the*
33 *growth of the information-based economy, people who lack access*
34 *to those tools are becoming disadvantaged.*

35 (h) *Raising the level of digital access by increasing the number*
36 *of Californians using the technology tools of the digital age is a*
37 *high priority in the State of California.*

38 SEC. 2. *Section 14666.6 of the Government Code is amended*
39 *to read:*



14666.6. (a) With the approval of the state agency concerned, the director shall negotiate in the name of the state, access to state-owned property, not used for highway purposes, for those purposes and subject to those conditions, limitations, restrictions, and reservations determined by the director to be in the best interest of the state. To the extent permitted under existing law, the director shall determine the amount of consideration for, and means of access, which means shall include, but not be limited to, any of the following: lease, permit, or other form of providing a monetary or service consideration for the access.

(b) The Director of Transportation shall negotiate in the name of the state, access to state-owned highway rights-of-way, for those purposes and subject to those conditions, limitations, restrictions, and reservations determined by the Director of Transportation to be in the best interest of the state. To the extent permitted under existing law, the Director of Transportation shall determine the amount of consideration for, and means of access, which means shall include, but not be limited to, any of the following: lease, permit, or other form of providing a monetary or service consideration for the access.

(c) This section applies to various telecommunications and information technologies, including, but not limited to, ~~voice~~ voice, data, video, and fiber-optic technologies.

~~(d) Any~~

(d) (1) *Except as provided in paragraph (2), any payments received under the provisions of this section for a grant or conveyance through land or facilities controlled by the Department of Transportation, including but not limited to, rights-of-way along the state highway system, shall be deposited in the State Transportation Fund.*

(2) *Any funds generated from a lease agreement entered into pursuant to Section 14666.8 for the placement of wireless telecommunications facilities on Department of Transportation property shall be kept in a separate account and used, upon appropriation by the Legislature, only for transportation-related purposes.*

SEC. 3. Section 14666.8 is added to the Government Code, to read:

14666.8. (a) The director shall, within 120 days of the effective date of this section, compile and maintain an inventory

1 of state-owned real property that may be available for lease to
2 providers of wireless telecommunications services for location of
3 wireless telecommunications facilities. This inventory shall be the
4 state's sole inventory of state-owned real property available for
5 this purpose.

6 (b) The director shall make the inventory available on the
7 department's Web site.

8 (c) On behalf of the state, the director may negotiate and enter
9 into an agreement to lease state-owned real property, not subject
10 to an existing state franchise, to any provider of wireless
11 telecommunications services for location of its facilities. A lease
12 for this purpose shall do all of the following:

13 (1) Provide for a reasonable rental fee to be paid to the state to
14 the extent permitted under existing law.

15 (2) Designate a lease term that is acceptable to the director.

16 (3) Provide for the use of the wireless provider's facilities
17 located on the state-owned real property by any appropriate state
18 agency if technically, legally, aesthetically, and economically
19 feasible.

20 (4) Facilitate, to the greatest extent possible, agreements
21 among providers of wireless telecommunications services for
22 collocation of their facilities on state-owned real property.

23 (d) A wireless telecommunications facility located on
24 state-owned real property pursuant to a lease that meets the
25 requirements of subdivision (c) shall not be subject to the
26 requirements of any local zoning ordinance or regulation.

27 (e) The director shall develop and distribute materials for use
28 by local government agencies that encourage these agencies to
29 compile and maintain inventories of local agency owned real
30 property that may be available to providers of wireless
31 telecommunications services for the location of wireless
32 telecommunications facilities.

33 (f) (1) Of the revenues from fees collected pursuant to this
34 section after January 1, 2003, except for revenues from fees from
35 a lease agreement for access to Department of Transportation
36 property or a lease agreement existing prior to January 1, 2003,
37 10 percent shall be available, upon appropriation by the
38 Legislature, for the purpose of addressing the state's Digital
39 Divide. These revenues shall be maintained in a separate fund
40 account to be used only for Digital Divide pilot projects.

(2) *The Governor's director for e-government shall develop criteria for selecting Digital Divide projects for funding pursuant to this subdivision. The first three pilot projects selected for funding based on these criteria, upon appropriation by the Legislature, shall include one for a city in each of the following: Orange County, southeast Los Angeles, and a northern California bay area county. The Governor's annual budget proposal shall include funding for these three projects and all future Digital Divide projects.*

SEC. 4. *This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:*

In order to make state-owned real property available for lease at the earliest possible time, it is necessary for this act to go into immediate effect.

~~to read:~~

~~12815. (a) If a driver's license issued under this code is lost, destroyed or mutilated, or a new true, full name is acquired, the person to whom it was issued shall obtain a duplicate upon furnishing to the department (1) satisfactory proof of that loss, destruction, or mutilation and (2) satisfactory proof of the identity of the person requesting a duplicate license, including a valid identification document that contains a photograph of that person, and (3) if the licensee is a minor, evidence of permission to obtain a duplicate secured from the parents, guardian, or person having custody of the minor. If the person requesting a duplicate license is unable to provide satisfactory proof of his or her identity, the department shall verify that person's identity through inspection of its own photographic files from the licensee's prior license. Any person who loses a driver's license and who, after obtaining a duplicate, finds the original license shall immediately destroy the original license.~~

~~(b) A person in possession of a valid driver's license who has been informed either by the department or by a law enforcement agency that the document is mutilated shall surrender the license to the department not later than 10 days after that notification.~~

~~(c) For purposes of this section, a mutilated license is one that has been damaged sufficiently to render any or all of the elements~~

1 of identity set forth in Sections 12800.5 and 12811 unreadable or
2 unidentifiable through visual, mechanical, or electronic means.

3 ~~SEC. 2. Section 13003 of the Vehicle Code is amended to~~
4 ~~read:~~

5 ~~13003. (a) If an identification card issued under this code is~~
6 ~~lost, destroyed, mutilated, or a new true full name is acquired, the~~
7 ~~person to whom it was issued may make application for an original~~
8 ~~identification card as specified in Section 13000. The fee provided~~
9 ~~in Section 14902 shall be paid to the department upon application~~
10 ~~for the card. Every identification card issued pursuant to this~~
11 ~~section shall expire as provided in Section 13002 and shall be~~
12 ~~deemed an original identification card for that purpose.~~

13 ~~(b) (1) A person making a request under subdivision (a) shall~~
14 ~~provide the department with the following satisfactory proof:~~

15 ~~(A) That the loss, destruction, or mutilation of the card~~
16 ~~occurred.~~

17 ~~(B) The identity of that person, including a valid identification~~
18 ~~document that contains his or her photograph.~~

19 ~~(2) If the person requesting a new identification card is unable~~
20 ~~to provide satisfactory proof of his or her identity, the department~~
21 ~~shall verify that person's identity through inspection of its own~~
22 ~~photographic files from the person's prior identification card.~~

23 ~~(3) Any person who loses an identification card and who, after~~
24 ~~obtaining a new identification card, finds the original~~
25 ~~identification card, shall immediately destroy the original~~
26 ~~identification card.~~

27 ~~(c) A person in possession of a valid identification card who has~~
28 ~~been informed either by the department or by a law enforcement~~
29 ~~agency that the document is mutilated shall surrender the~~
30 ~~identification card to the department not later than 10 days after~~
31 ~~that notification.~~

32 ~~(d) For purposes of this section a mutilated identification card~~
33 ~~is one that has been damaged sufficiently to render any or all of the~~
34 ~~elements of identity set forth in Sections 13005 and 13005.5~~
35 ~~unreadable or unidentifiable through visual, mechanical, or~~
36 ~~electronic means.~~

37 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
38 ~~Section 6 of Article XIII B of the California Constitution because~~
39 ~~the only costs that may be incurred by a local agency or school~~
40 ~~district will be incurred because this act creates a new crime or~~

1 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
2 ~~for a crime or infraction, within the meaning of Section 17556 of~~
3 ~~the Government Code, or changes the definition of a crime within~~
4 ~~the meaning of Section 6 of Article XIII B of the California~~
5 ~~Constitution.~~

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